

Article 3: Planned Districts

Division 5: Mission Beach Planned District

*("Mission Beach Planned District"
added 1-2-1979 by O-12540 N.S.)*

§103.0500 Purpose and Intent

It is the purpose of these regulations to provide reasonable restrictions on the construction or alteration of residential and commercial developments related to the small-lot size and the urbanization pattern of the Mission Beach community. The intent is to implement the adopted Mission Beach Precise Plan.
(Added 1-2-1979 by O-12540 N.S.)

§103.0501 Boundaries of Planned District Area

The regulations which follow shall apply in the Mission Beach Planned District. The boundaries of the Mission Beach Precise Plan Area in the City of San Diego, California, are designated on Map Drawing No. C-637.1. (Described in the appended boundary description, filed in the office of the City Clerk under Document No. 768482.) The Mission Beach Planned District is generally bounded by Pacific Beach Drive on the north, Mission Bay Park on the east, the San Diego River Flood Control Channel on the south, and the Pacific Ocean on the west.
(Amended 8-16-1982 by O-15804 N.S.)

§103.0502 Applicable Regulations

Where not otherwise specified in this Division, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);
Chapter 12 (Land Development Reviews) except Article 6, Division 6
(Planned Development Permit Procedures);
Chapter 13 (Zones);
Chapter 14, Article 1 (Separately Regulated Use Regulations);
Chapter 14, Article 2, Division 1 (Grading Regulations);
Chapter 14, Article 2, Division 2 (Drainage Regulations);
Chapter 14, Article 2, Division 5 (Parking Regulations);
Chapter 14, Article 2, Division 6 (Public Facility Regulations);
Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage
Regulations);

Chapter 14, Article 3 (Supplemental Development Regulations) except
Division 4 (Planned Development Permit Regulations);
Chapter 14, Article 4 (Subdivision Regulations);
Chapter 14, Article 5 (Building Regulations);
Chapter 14, Article 6 (Electrical Regulations); and
Chapter 14, Article 7 (Plumbing and Mechanical Regulations)

Where there is a conflict between the Land Development Code and this Division, this Division applies.

(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0506 Mission Beach Planned District Permit Required Before Issuance of Building Permit

The City Manager shall not issue any permit for the installation of fixtures or equipment, or for the erection, construction, conversion, establishment, alteration or enlargement of any building, structure or improvement, or for the occupancy of any building or structure in any portion of the Mission Beach Planned District until a Mission Beach Planned District Permit has been obtained from the City Manager by the applicant or owner. Each application for a permit shall state therein the purpose for which the proposed building, structure or improvement is intended to be used.

(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0520 Definitions - Purpose and Intent

It is the purpose of this section to provide clear and concise definitions of those words, terms and phrases which apply only to the Mission Beach Planned District area.

It is also intended that the definitions in Land Development Code Section 113.0103 shall be used when they do not conflict with the definitions set forth in this Division. This is to provide uniformity of interpretation and application.

(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0520.20 Balcony, Exterior

A roofed or unroofed platform, enclosed by a railing or parapet, projecting from an exterior wall of a building. When a balcony is roofed and has less than 40 percent of its vertical surface permanently open, it is considered to be part of the room or interior area it serves and is included in computations of gross floor area. When a portion of a roof is enclosed by a railing, said area shall be defined as a porch or terrace.

(Added 1-2-1979 by O-12540 N.S.)

§103.0520.31 Corner Lot, Mission Beach

Any lot situated at the intersection of two or more streets, courts, places, walks, or alleys, which have an angle of intersection, measured within said lot, of not more than 135 degrees.

(Added 1-2-1979 by O-12540 N.S.)

§103.0520.32 Court

Any named pedestrian way having no motorized vehicular access dedicated for the primary use of pedestrians as a means of access to abutting properties.

(Added 1-2-1979 by O-12540 N.S.)

§103.0520.73 Floor Area Ratio

The numerical value obtained by dividing the gross floor area of a building or buildings on the premises by the total parcel area of the premises on which such building or buildings are located.

(Added 1-2-1979 by O-12540 N.S.)

§103.0520.80 Gross Floor Area

The total horizontal area, expressed in square feet, of all the floors of a building included within the surrounding walls.

Gross floor area shall include:

- (a) Enclosed exterior stairwells (excluding the enclosed area under any stairwell from the ground to the second floor only), aboveground parking structures and exterior elevator shafts.
- (b) The floor area of mezzanines and other similar interior balconies.
- (c) Exterior balconies, entrances, porches, canopies, rigid awnings, stoops, openly supported terraces, openly supported stairways, and sun baffles or shades which are constructed and maintained with less than 40 percent of the vertical surface permanently open.

(Added 1-2-1979 by O-12540 N.S.)

§103.0520.135 Lot Coverage

That portion of the area of a lot, expressed as a percentage, occupied by all buildings or structures which are roofed or otherwise covered and which extend more than three feet above grade level provided, however, that the following shall be exempted:

- (a) Exterior balconies, entrances, canopies, rigid awnings, stoops, openly supported terraces, openly supported exterior stairways and sun baffles or shades provided they:
 - (1) Do not encroach into required yards;
 - (2) Do not project more than six feet from the supporting structures;
 - (3) Are constructed and maintained with not less than 40 percent of the vertical surface permanently open except for those walls which are used in common with the building.
- (b) Roofed areas enclosed by no more than three exterior walls of a building which provide shelter to exterior balconies, entrances, stoops, terraces, and exterior stairways.
- (c) Cornices and eaves.
- (d) Those portions of a structure lying partially above grade but not exceeding three feet above grade. All horizontal dimensions shall be taken from the exterior faces of walls, including those structural and architectural appendages as defined and set forth herein.

(Added 1-2-1979 by O-12540 N.S.)

§103.0520.182 Place

Any named vehicular way, also having pedestrian access, dedicated for the primary use of vehicles and pedestrians.

(Added 1-2-1979 by O-12540 N.S.)

§103.0520.191 Sign

All definitions pertaining to "SIGN," shall be all those definitions set forth in Land Development Code Section 113.0103.

(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0520.197 Subdistrict

A portion of the territory within the boundaries of the Mission Beach Planned District within which certain regulations and requirements apply under the provisions of the Planned District Regulations.

(Added 1-2-1979 by O-12540 N.S.)

§103.0520.230 Walk, Bayside and Ocean Front

Any public way immediately adjacent to the ocean in the case of an Ocean Front Walk and the bay in the case of a Bayside Walk, dedicated for the primary use of pedestrians and bicycles.

(Added 1-2-1979 by O-12540 N.S.)

§103.0520.242 Yard, Bayfront, Ocean Front, Court, Place, and Mission Boulevard

That open, unoccupied space extending across the lot and measured inward, perpendicularly, from the property line adjacent to either Bayside Walk, Ocean Front Walk, Public Beach, Court, Place and/or Mission Boulevard and parallel thereto for a distance specified in this Division.

(Added 1-2-1979 by O-12540 N.S.)

§103.0525 Subdistricts of the Mission Beach Planned District

In order to regulate the location of dwellings, businesses, recreation areas and other specified uses, subdistricts of the Mission Beach Planned District are established. The boundaries of said subdistricts are designated on that certain Map Drawing No.

C-637.1.

(Amended 8-16-1982 by O-15804 N.S.)

§103.0526 Residential Subdistricts — Northern and Southern — Definition and Intent

The Residential Subdistricts are designated "R-N" and "R-S". The purpose of the Residential Subdistrict is to regulate the small-scale and low-profile developed area with a maximum residential density of approximately 36 dwelling units per net residential acre.

It is the intent of these regulations to allow the improvement or development of the standard Mission Beach lots with little or no need for variances.

(Amended 8-16-1982 by O-15804 N.S.)

§103.0526.1 Permitted Uses

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

(a) Primary Uses

- (1) Single-family dwellings.
- (2) Duplexes (two-family dwellings).
- (3) Multi-family dwellings; restricted to a maximum of four dwelling units in any single structure including common wall construction on adjoining lots.
- (4) Parks and Playgrounds.
- (5) Off-premises parking lots for residential uses in accordance with the provisions of Land Development Code Section 142.0535 except that the parking lot shall be within a horizontal distance of 300 feet of the premises for which the off-street parking is located. Off-premises parking shall not be utilized in lieu of required on-premises parking.

(b) Accessory Uses

Accessory uses and buildings customarily incidental to any of the foregoing permitted uses including the following:

- (1) Private garages, parking areas, and storage areas.
- (2) Recreational facilities intended only for the use of residents residing on the premises.
- (3) Lodgers, permitted as follows:
 - (A) For a single-family dwelling which is the only dwelling unit on the premises, not more than two lodgers with each being provided a minimum of 100 square feet of bedroom area, and with more than one full bathroom facility within the dwelling unit.

- (B) For duplexes and multi-family dwelling units, not more than one lodger with a minimum of 100 square feet of bedroom area and with more than one full bathroom facility on the premises.

- (4) On-premise signs as defined by Sec. 103.0532 Residential Subdistrict On-premises Sign Regulations.

(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0526.2 Density Regulations

One (1) dwelling unit shall be allowed, including lodging and boarding units, per 1,200 square feet of lot area; except that "R-S" lots of 2,000 square feet shall be entitled to a maximum of two (2) dwelling units if such lots are developed separately. Also, an "R-N" lot or lots totaling between 1,800 and 2,400 square feet shall be temporarily entitled to a maximum of two (2) dwelling units, provided any building permit for two (2) units on such lots must be applied for on or before June 30, 1985. Land Development Code Section 113.0222 shall not apply to any property regulated by this planned district ordinance.

(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0526.3 Minimum Lot Standards

TABLE I

	"R-N"	"R-S"
(a) Area	1,250 Square Ft.	2,400 Square Ft.
(b) Street Frontage	25 Feet	30 Feet
(c) Width	25 Feet	30 Feet
(d) Depth	50 Feet	80 Feet

- (e) Exception. Any lot which qualifies under the definition of a lot as set forth in Land Development Code Section 113.0103 and Section 113.0237 and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0526.4 Minimum Yards for Bayside and Ocean Front Walks

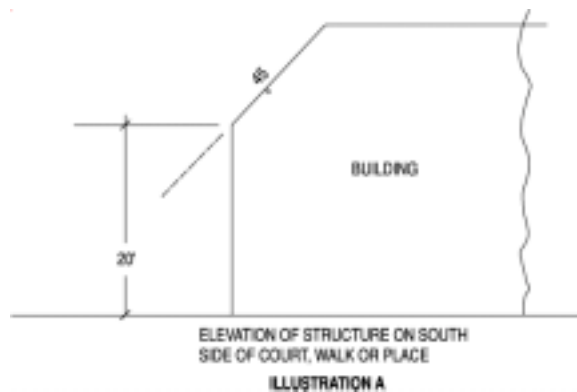
The minimum yards for Bayside and Ocean Front Walks shall be as follows:

- (a) "R-N" Subdistrict, Bayside Walk - five feet.
- (b) "R-N" Subdistrict, Ocean Front Walk - seven feet for the first story and for additional stories above the first story; three feet for 50 percent of the lot fronting on the walk and five feet for the remaining 50 percent. Use of these varying setbacks shall fulfill requirements for vertical offset.
- (c) "R-S" Subdistrict, Bayside and Ocean Front Walks - 10 feet.
- (d) Exception. A yard abutting Bayside Walk shall have an additional setback beginning 20 feet above grade in the "R-S" Subdistrict and 15 feet above grade in the "R-N" Subdistrict sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction. See Illustration A below.

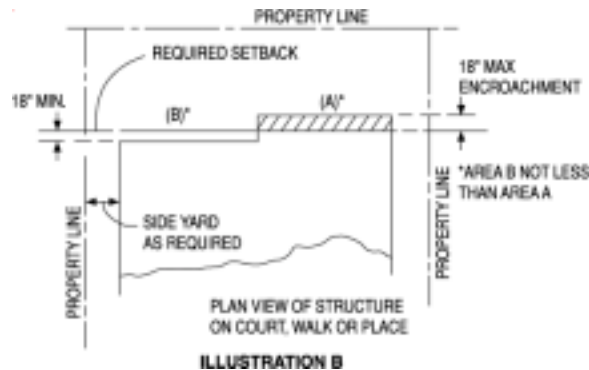
(Amended 4-28-1986 by O-16630 N.S.)

§103.0526.5 Minimum Yards for Courts and Places

- (a) Ten feet in the "R-N" Subdistrict and 15 feet in the "R-S" Subdistrict except for buildings exceeding 20 feet in height and on the south side of a Court or Place. In this case an additional setback shall be observed beginning 20 feet above grade and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction. See Illustration A below.



- (b) Buildings facing a Court, Place, Bayside or Ocean Front Walk shall not be wider than 25 feet in the "R-N" Subdistrict or 30 feet in the "R-S" Subdistrict, unless a vertical offset in the facade is provided. The vertical offset extending full height shall be a minimum of three feet in depth not less than 45 degrees for not less than 50 percent of the building. The following option is permitted when providing the required vertical offset. The building may encroach into the required yard a maximum of 18 inches for a width not more than one-half of the total building width. However, for all yard encroachment an equal area must be left vacant behind the required setback line adjacent to the Court, Place, or Walk. See Illustration B below.



(Amended 5-7-1984 by O-16198 N.S.)

§103.0526.6 Minimum Interior Yards

- (a) Three feet for structures whose facade is a maximum of 20 feet in height abutting the yard. Any portion of the structure's facade exceeding 20 feet in height shall observe an additional setback for the remainder of the structure by sloping away from the plane of the facade at an angle of 45 degrees. (See Illustration A on the preceding page.) Dormers shall be permitted to encroach into the 45 degree setback, provided that they shall be setback a minimum of five feet from the property line, shall not exceed a total width of 25 percent of the length of the roof abutting the interior yard, that each dormer shall not exceed a width of eight feet, and that there shall be a minimum of two feet between each dormer. When two lots are developed at the same time with common wall construction (combined total of units shall not exceed four) or when two or more lots are consolidated, each opposite side yard shall be six feet or 10 percent of the total width of the lots whichever is greater.

- (b) Five feet for structures whose facade abutting the yard exceeds 20 feet in height.
(Amended 5-7-1984 by O-16198 N.S.)

§103.0526.7 Minimum Yards on Streets and Alleys

Yards abutting Strandway and Bayside Lane and alleys shall not be required.
(Amended 5-7-1984 by O-16198 N.S.)

§103.0526.8 Mission Boulevard Yards

Buildings abutting Mission Boulevard shall be set back a minimum of three feet or ten percent of the lot's shortest property line intersecting Mission Boulevard, whichever is the greater. The maximum yard required need not exceed seven feet.
(Amended 1-2-1979 by O-12540 N.S.)

§103.0526.9 Minimum Rear Yards

No rear yard is required except where the rear yard abuts an interior or rear yard of an adjacent lot; then, the regulations under MINIMUM INTERIOR YARDS, Sec. 103.0526.6 shall apply.
(Amended 5-7-1984 by O-16198 N.S.)

§103.0526.10 Maximum Lot Coverage

Sixty-five percent.
(Amended 1-2-1979 by O-12540 N.S.)

§103.0526.11 Floor Area Ratio

- (a) The basic maximum floor area ratio shall be 1.1.
- (b) Portions of the building or structure used exclusively for required off-street parking shall not be included as part of the building area for the purposes of determining floor area ratio. This exemption is restricted to a maximum 200 square feet per required off-street parking space.
- (c) Regardless of lot size, individual buildings, including common wall construction, shall not exceed 5,280 square feet in total gross floor area. However, those areas excluded by Paragraph (b) of this Section from the calculations of floor area ratio shall not be considered as part of the 5,280 square feet.

(Amended 1-2-1979 by O-12540 N.S.)

§103.0526.12 Height

The maximum height of a building or structure shall be thirty (30) feet.

If the 30-foot height limitation of Ordinance No. 10960 N.S. is removed from Mission Beach, the building height limit shall be 35 feet.

(Amended 1-6-1992 by O-17726 N.S.)

§103.0526.13 Landscaping

One hundred percent of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least 50 percent and shall be a combination of trees, shrubs and ground cover. The remaining 50 percent may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, and decks not exceeding three feet in height and paved areas.

Landscaping located within the required yards for Courts and Places shall protect pedestrian view corridors by emphasizing tall trees with canopy areas and ground cover. Landscaping materials shall not encroach or overhang into the Courts and Places rights-of-way below a height of eight (8) feet above the finish surface or finish grade, as measured at the trunk. All landscaping and irrigation within the public-right-of-way shall be developed in accordance with the Landscape Guidelines of the Land Development Manual.

(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0526.15 Fences

Fences and walls shall be permitted as follows:

- (a) Fences and walls, including retaining walls, located within required yards except interior yards and rear yards shall not exceed a height of three feet.
- (b) Fences and walls, including retaining walls, located in interior or rear yards or adjacent to alleys or streets except Mission Boulevard shall not exceed a height of six feet.
- (c) No sharp-pointed or electrically charged fence shall be erected or maintained.
- (d) No fence shall exceed three feet in height in that triangular area created by measuring ten feet along each property line from the point of intersection

where any combination of streets and/or alleys intersect.
(Added 1-2-1979 by O-12540 N.S.)

§103.0526.16 Parking

- (a) Every premises used for one or more of those uses permitted in Sec. 103.0526.2 (Permitted Uses) shall be provided with a minimum of permanently maintained off-street parking spaces located on the premises as follows:
 - (1) 2.0 spaces per dwelling unit; except in "R-S" Subdistricts when a unit is added to a lot with an existing single-family unit and the lot has less than 34 feet of frontage on a street or alley, then the requirement shall be 1.5 spaces per dwelling unit, and in the "R-N" Subdistrict where the requirement shall be one space per dwelling unit for lots abutting Ocean Front Walk or Bayside Walk with less than 10 feet of vehicular access on a street or alley.
 - (2) 1.0 spaces per unit (room) of boarder or lodger.
- (b) At least one space per dwelling unit and one space per two boarding or lodging units shall have direct access to a dedicated and improved street or alley.
- (c) Parking shall not be permitted in required yards other than interior or rear yards, except as provide herein.
 - (1) For properties where any legal development, redevelopment or improvement that created or enlarged floor area on the premises occurred between February 27, 1964, and February 1, 1979, and the yard was being used for parking on or before February 1, 1979, parking shall be permitted within yards abutting courts, places, or Mission Boulevard provided that:
 - (A) Said area shall not be utilized to satisfy off-street parking required under this Division.
 - (B) Said area shall not be utilized by any vehicle that exceeds 6' in height when measured vertically from the highest point of the vehicle to the parking surface.
 - (C) A minimum of 25% of all required yards, except interior and

rear yards, shall be landscaped with a combination of trees, shrubs and ground cover in conformance with the Landscape Guidelines of the Land Development Manual.

- (D) For yards abutting courts or places and for parking adjacent to and parallel to Mission Boulevard:
 - (i) A 3' high wall or fence shall be located between the parking area and the sidewalk.
 - (ii) Said wall or fence may be located within the public right-of-way if an encroachment permit is obtained.
 - (iii) The Zoning Administrator may approve alternative methods of landscape and screening.
- (2) For properties developed prior to February 27, 1964, parking shall be permitted within yards abutting courts, places, or Mission Boulevard, and are not required to provide additional landscaping or the fencing separation, provided said property is in compliance with permits or regulations in effect at the time the property was developed.
- (d) Tandem off-street parking is permitted. The space required is 8 feet x 35 feet and accommodates two cars, one behind the other. The tandem space shall be marked reserved.
- (e) Fifty percent of the individual (non-tandem) parking spaces shall have a minimum 8-foot width and 20-foot depth. The other 50 percent shall not be less than a minimum 7 1/2-foot width and 15-foot depth.
- (f) All parking areas adjacent to Courts, Places, Walks or Mission Boulevard shall be screened by a solid fence five feet in height.
- (g) Where off-street parking access is perpendicular to an alley or street, it shall be a minimum of 21 feet measured from the opposite edge of the right-of-way. This 21-foot distance may be reduced one foot for each six-inch increase in parking space width but shall not be less than 18 feet.

(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0528 Commercial Subdistricts — Definition and Intent

The Neighborhood Commercial Subdistricts are designated "NC-N" or "NC-S" and

the Visitor Commercial Subdistricts are designated "VC-N" and "VC-S". The purpose of the Neighborhood Commercial is to provide adequate commercial services for the residents while the Visitor Commercial accommodates tourists, visitors and vacationers.

It is the intent of these regulations to provide development possibilities that will accommodate both commercial and mixed uses as well as compliment existing development and the surrounding residential areas.

(Amended 8-16-1982 by O-15804 N.S.)

§103.0528.1 Permitted Uses

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

(a) Primary Uses

- (1) Those primary uses and density set forth in Sec. 103.0526.1 (Permitted Uses) and Sec. 103.0526.2 (Density Regulations) except that residential uses shall not be permitted within the first story of any building on any lot abutting Mission Boulevard; and for lots exclusively developed residentially, that development is subject to all regulations of the appropriate residential subdistrict.
- (2) Business Offices (not including hiring halls) provided, however, that business offices shall not be permitted within the first story of any building on any lot within the "VC-N" and "VC-S" Subdistricts and further provided that 50 percent of the ground floor area of the first story shall be reserved for those uses permitted in paragraph (a)(3) of this section.
- (3) Retailing of consumer convenience goods and dispensing of consumer services from the following establishments provided, however, that no premises shall contain drive-in or drive-thru facilities:
 - (A) Apparel shops
 - (B) Art stores
 - (C) Bakeries

- (D) Barber shops
- (E) Beauty shops
- (F) Bicycle shops
- (G) Book stores
- (H) Curtain and drapery shops
- (I) Drug stores
- (J) Dry cleaning and laundry establishments and agencies and self-service dry cleaning and laundry establishments
- (K) Gyms, when equipped for physical fitness activities and athletic training programs
- (L) Florists
- (M) Food stores
- (N) Hardware stores
- (O) Hobby shops
- (P) Jewelry stores
- (Q) Liquor stores
- (R) Nurseries -- plants
- (S) Paint and wallpaper stores
- (T) Photographic studios
- (U) Radio, television and home appliance repair shops
- (V) Restaurants
- (W) Shoe stores

- (X) Shoe repair shops
- (Y) Sporting goods including rental items
- (Z) Stationers
- (AA) Studios for teaching of art, dancing and music
- (BB) Variety stores
- (CC) Taverns and other similar places serving alcoholic beverages.
- (4) Schools and studios for academic, cultural (including the fine arts), technical, vocational, or professional instruction.
- (5) Motels and hotels in the "VC" only including:
 - (A) Housekeeping units -- guest rooms having separate access to the outside or to a hallway used in common with other guest rooms and having cooking facilities and used for combined living, dining and sleeping purposes.
 - (B) Related recreational facilities.
 - (C) Restaurants and bars with incidental entertainment and dancing.
- (b) Accessory Uses

Accessory uses and buildings customarily incidental to any of the foregoing permitted uses, including the following:

 - (1) Private garages, parking areas and storage areas except access shall not be off Mission Boulevard.
 - (2) Recreational facilities intended only for the use of residents residing on the premises.
 - (3) On-premises signs as permitted by Sec. 103.0533. (Commercial Subdistrict On-Premises Sign Regulations).

(Amended 5-7-1984 by O-16198 N.S.)

§103.0528.2 Minimum Lot Standards

TABLE II

		NC-N, VC-N	NC-S, VC-S
(a)	Area	1,250 Square Feet	2,400 Square Feet
(b)	Street Frontage	25 Feet	30 Feet
(c)	Width	25 Feet	30 Feet
(d)	Depth	50 Feet	80 Feet

- (e) Exception. Any lot which qualifies under the definition of a lot as set forth in this Code and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

(Added 1-2-1979 by O-12540 N.S.)

§103.0528.3 Minimum Interior Yards

- (a) Three feet for structures whose facade is a maximum 20 feet in height abutting the yard. Any portion of the structure's facade height exceeding 20 feet in height shall observe an additional setback for the remainder of the structure by sloping away from the vertical plane of at least 45 degree. Five feet for structures whose facade abutting the yard exceeds 20 feet in height. Dormers shall be permitted to encroach into the 45 degree setback, provided that they shall be setback a minimum of five feet from the property line, shall not exceed a total width of 25 percent of the length of the roof abutting the interior yard, that each dormer shall not exceed a width of eight feet, and that there shall be a minimum of two feet between each dormer. When two lots are developed at the same time with common wall construction (combined total of units shall not exceed four) or when two or more lots are consolidated, each opposite side yard shall be six feet or 10 percent of the total width of the lots whichever is greater.
- (b) A yard shall not be required for lots abutting Mission Boulevard, Ventura Place and West Mission Bay Drive.
- (c) A yard, consistent with paragraph (a) of this section, shall be required along

any portion of a lot line which abuts a property in a residential subdistrict.
(Amended 5-7-1984 by O-16198 N.S.)

§103.0528.4 Minimum Yards on Streets and Alleys

Yards abutting Strandway and Bayside Lane and alleys shall not be required.
(Amended 5-7-1984 by O-16198 N.S.)

§103.0528.5 Minimum Yards on Bayside and Ocean Front Walks in “NC-N,” “NC-S,” “VC-N” and “VC-S”

(a) The minimum yard for Bayside and Ocean Front Walks shall be as follows:

- (1) "NC-N" and "VC-N" Subdistricts, Bayside Walk - five feet.
- (2) "NC-N" and "VC-N" Subdistricts, Ocean Front Walk - seven feet for the first story and for any additional stories above the first story; three feet for 50 percent of the lot fronting on the walk and five feet for the remaining 50 percent.
- (3) "NC-S" and "VC-S" Subdistricts, Bayside and Ocean Front Walks - 10 feet.
- (4) Exception: A yard abutting Bayside Walk shall have an additional setback beginning 20 feet above grade in the "NC-S" and "VC-S" Subdistricts and 15 feet above grade in the "NC-N" and "VC-N" Subdistricts sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction.

(Retitled and amended 5-7-1984 by O-16198 N.S.)

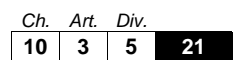
§103.0528.6 Minimum Yards on Courts and Places in “VC-N,” “VC-S,” “NC-N” and “NC-S”

The minimum yard requirement shall be those set forth in Sec. 103.0526.5 (Minimum Yards for Courts and Places)

(Retitled and amended 5-7-1984 by O-16198 N.S.)

§103.0528.7 Minimum Yards on Mission Boulevard

None required except as required for planter boxes as set forth in Sec. 103.0528.11 (Landscaping).



(Added 1-2-1979 by O-12540 N.S.)

§103.0528.8 Floor Area Ratio

- (a) For lots developed exclusively for residential use in any Commercial Subdistrict, the floor area ratio provisions of Sec. 103.0526.11 (Residential Subdistricts) shall prevail.
- (b) For lots exclusively developed with nonresidential development the following floor area ratios are applicable:
 - (1) The basic floor area ratio shall be 1.25.
 - (2) The basic floor area ratio may be increased to 1.75 if one off-street parking space is provided for every 800 square feet of gross floor area.
- (c) For lots with mixed development with the first (or ground) story reserved for nonresidential activities (excluding parking and residential storage) and with the upper stories being designed for residential occupancy, the following floor area ratios are applicable:
 - (1) The basic floor area ratio shall be 1.25.
 - (2) The basic floor area ratio may be increased to 1.75 if 2.0 off-street parking spaces are provided for each dwelling unit.
- (d) For NS-N and NC-S Subdistricts, no individual building or structure shall exceed the total amount of gross floor area of 8,750 sq. ft.
(Added 1-2-1979 by O-12540 N.S.)

§103.0528.9 Height

The maximum building height shall be that set forth in Sec. 103.0526.12 (Height).
(Added 1-2-1979 by O-12540 N.S.)

§103.0528.10 Landscaping

A minimum of ten percent (10%) of the total lot area shall be landscaped adjacent to courts, places, walks, or Mission Boulevard in accordance with the standards set forth in Sec. 103.0526.13 (Landscaping) of this Division.
(Added 1-2-1979 by O-12540 N.S.)

§103.0528.11 Parking

- (a) For hotels and motels, there shall be provided 1.2 parking spaces for each guest room or suite. For hotels and motels with kitchenettes, there shall be provided 1.5 parking spaces for each unit containing one bedroom or less and 2.0 spaces per each unit containing two or more bedrooms.
- (b) For residential development the parking requirement shall be as required by Section 103.0526.16 (Parking).
- (c) For business and professional office uses, there shall be provided one parking space for each 500 square feet of gross floor area.
- (d) Where off-street parking access is perpendicular to the alley or street, it shall be a minimum of 21 feet measured from the opposite edge of the right-of-way. This 21-foot distance may be reduced one foot for each six-inch increase in parking space width but shall not be less than 18 feet.

(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0528.13 Fences

Fences and walls shall be permitted/required as follows:

- (a) Fences and walls, including retaining walls, located within required yards, except interior yards shall not exceed three feet in height.
- (b) Fences and walls, including retaining walls, located in interior yards or adjacent to alleys, Bayside Lane or Strandway shall not exceed eight feet in height.
- (c) No electrically charged fence shall be erected or maintained.
- (d) No fence shall exceed three feet in height in that triangular area created by measuring ten feet along each property line from the point of intersection where any combination of streets and/or alleys intersect.
- (e) Prior to the use or occupancy of any premises, a wall not less than six feet in height shall be constructed along all portions of said property that abuts property within a residential subdistrict; provided, however, that within any required yards for Bayside and Ocean Front Walks, Courts, and Places such walls shall be reduced in height to three feet.

(Amended 5-7-1984 by O-16198 N.S.)

§103.0532 Residential Subdistrict On-Premises Sign Regulations

- (a) The following non-illuminated wall signs shall be permitted, provided that no sign shall project above the parapet or eaves of the building to which affixed:
- (1) One nameplate per dwelling unit not exceeding one square foot in total area to identify only the occupant; or
 - (2) In lieu of (1) above, the occupant of a dwelling unit, if the possessor of a valid home occupation permit, shall be permitted a sign indicating the nature of the home occupation not to exceed two square feet in total area.
 - (3) One building identity sign not exceeding one percent of the area of the wall to which it is affixed or 20 square feet, whichever is the smaller figure.
 - (4) One directional sign per vehicular entryway not exceeding two square feet in total area nor four feet in height measured to the apex of the sign.
 - (5) One temporary wall or freestanding sign offering the premises for sale, rent or lease, not to exceed eight square feet in total area nor four feet in height measured to the apex of the sign. Such sign is permitted in required yards.
 - (6) One public interest wall or ground sign not to exceed eight square feet in total area nor four feet in height measured to the apex of the sign. Such sign is permitted in required yard.
 - (7) Any sign not in compliance with the provisions of this section within seven years from the effective date of the ordinance adopting these regulations shall be removed or brought into compliance. Any sign located on property subsequently placed in the Residential Subdistricts and not in compliance with the provisions of this section shall be removed or brought into compliance within five years from the effective date of the ordinance establishing the Residential Subdistricts.

(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0533 Commercial Subdistrict On-Premises Sign Regulations

On-premises and public interest signs are as follows:

- (a) Signs on the faces of buildings are permitted provided that no sign shall project above the nearest parapet or eave of the building to which the signs are attached. The aggregate sign area for each street frontage on a given premises shall not exceed one (1) square foot for each lineal foot of street frontage or twenty-five (25) square feet, whichever is larger. In addition, the following identification signs shall be permitted:
 - (1) One (1) single-faced or double-faced freestanding sign located adjacent to each entrance or exit driveway to a parking lot. Signs shall not exceed twelve (12) square feet in area nor a height of eight (8) feet measured vertically from the base at ground level to the apex of the sign.
 - (2) One (1) sign on the exterior wall at each side or rear entrance to a store, shop or place of business provided that no sign shall project above the nearest parapet or eave of the building to which it is attached and, provided further, that no sign shall be attached to the perimeter framing of the building or to the face of canopies or porch roofs. No such sign shall have an area exceeding 12 1/2 square feet or one-half (1/2) square foot for each lineal foot of street frontage of the premises, whichever is larger.
- (b) For each street frontage of the premises, one (1) sign attached to the wall or one (1) freestanding sign designating the premises for sale, rent or lease is permitted, provided such sign has a maximum area of eight (8) square feet and a height, if a freestanding, sign not exceeding eight (8) feet measured vertically from the base at ground level to the apex of the sign.
- (c) Where the face of the building sets back from the property line in excess of twenty (20) feet, single-faced or double-faced, freestanding signs, in addition to those on the building, are permitted, provided that:
 - (1) No part of such signs shall extend over public property or have a height exceeding eight (8) feet measured vertically from the base at ground level to the apex of the sign.

- (2) The total area of all such signs on any street frontage of the premises shall not exceed four-tenths (4/10) of a square foot per lineal foot of street frontage or thirty-seven and one half (37 1/2) square feet, whichever is smaller.
- (d) Any sign not in compliance with the provisions of this section within seven (7) years from the effective date of the ordinance adopting these regulations shall be removed or brought into compliance. Any sign located on property subsequently placed in a Commercial Subdistrict and not in compliance with the provisions of this section shall be removed or brought into compliance within five (5) years from the effective date of the ordinance establishing the Commercial Subdistricts on said property.
- (e) Signs permitted herein which are attached to walls or the face of a building shall be parallel to the wall or the face of the building and shall project not more than eighteen (18) inches therefrom.
- (f) Signs permitted herein may be illuminated, however, none shall contain visibly moving parts or be illuminated by flashing lights.
- (g) All signs permitted by the provisions of this Paragraph shall also comply with the Land Development Code Chapter 12, Article 9, Division 8 (Sign Permit Procedures) and Chapter 14, Article 2, Division 12 (Sign Regulations).
(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0535 Existing Uses - Enlargement

Whenever an existing use which does not provide all the off-street parking spaces required by the Municipal Code or any premises is enlarged by floor area there shall be provided at the same time an increase in the number of parking spaces. The number of spaces required by this paragraph need not exceed the total number of parking spaces required for the total enlarged development.
(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0538 Encroachments/Ocean Front Walk

No permit for any development or redevelopment on any lot abutting the Ocean Front Walk public right-of-way or any public right-of-way may be issued, unless the owner obtains a permit in accordance with Land Development Code Chapter 12, Article 9,

Division 7 (Public Right-of-Way Permits) for any existing or proposed encroachments into the public right-of-way.
(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0542 Conditional Use Permit

An application for a conditional use permit for the uses listed below, may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three and Land Development Code Chapter 12, Article 6, Division 3 (Conditional Use Permit Procedures), subject to the development regulations in Land Development Code Chapter 14, Article 1. The Hearing Officer's decision may be appealed to the Board of Zoning Appeals in accordance with Land Development Code Section 112.0506.

- (a) Public and private schools for academic, artistic, and vocational instruction.
- (b) Churches, temples or buildings of a permanent nature and used primarily for religious purposes.
- (c) Teaching of the fine arts including, but not limited to: music, drawing, painting, sculpture, drama and dancing.
- (d) Residential care homes for not more than ten aged or mentally disordered or otherwise handicapped persons or dependent or neglected children and which are licensed by the State of California.
- (e) Parking lots for nonresidential uses in residential and commercial subdistricts.
- (f) The following uses may be permitted in any commercial subdistrict, except as specified in Sections 103.0542(f)(4), (6) and (7).
 - (1) Automobile service station.
 - (2) Buildings, structures, and uses operated by a public utility or by a public body having the power of eminent domain.
 - (3) Drive-in or drive-thru offices, retail facilities, and food-handling establishments and services, including those providing pre-prepared food and "fast-food" services.

- (4) Residential structures with a maximum of six (6) dwelling units for any development qualifying and approved for housing assistance under programs administered by the Housing Authority of The City of San Diego or similar programs. The number of dwelling units on any lot shall not exceed the maximum permitted density in all Residential and Commercial Subdistricts.
- (5) Laboratories for medical, dental or general research, development or testing.
- (6) Residential, commercial, industrial and institutional uses in and on historical sites in all Residential and Commercial Subdistricts.
- (7) Video arcades limited to the visitor commercial subdistricts only.
 - (A) The Hearing Officer shall consider the following criteria when approving, conditionally approving or denying an application for a conditional use permit for a video arcade.
 - (i) The video arcade is so constructed that it mitigates for adverse noise.
 - (ii) The facility will be adequately supervised during hours of operation.
 - (iii) Hours of operation shall be restricted to be consistent with the surrounding uses.
 - (iv) Adequate lavatory facilities will be provided.
 - (v) Bicycle racks are provided within 25 feet of the video arcade.
 - (B) An approved conditional use permit for a video arcade may be revoked in accordance with Land Development Code Sections 121.0314, 121.0315, and 121.0316.
(Amended 4-7-1998 by O-18483 N.S.; effective 1-1-2000.)

§103.0545 Conditional Use Permit Granted by the Planning Commission

An application for a conditional use permit for amusement and entertainment enterprises such as amusement parks, all types of theatres, playhouses, swimming pools, skating rinks and dance halls limited to the Visitor Commercial Subdistrict only, may be approved, conditionally approved or denied by the Planning Commission in accordance with "Process Four".

(Amended 11-23-1992 by O-17870 N.S.)

§103.0599 Severability

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

Section 2. The following ordinances of the City of San Diego which zoned or rezoned all of that area within the boundaries of the Mission Beach Planned District, as shown on Zone Map Drawing No. C-637, filed in the office of the City Clerk as Document No. 765389, be, and they are hereby repealed insofar as they conflict herewith:

Ordinance No.	Date
119 N.S.	Adopted January 3, 1933
243 N.S.	Adopted June 5, 1933
2680 N.S.	Adopted June 8, 1943
3323 N.S.	Adopted January 7, 1947
6719 N.S.	Adopted October 25, 1955
6735 N.S.	Adopted November 3, 1955
10958 N.S.	Adopted December 5, 1972
10968 N.S.	Adopted January 2, 1973

Section 3. That area, as described in the appended boundary description, on file in the office of the City Clerk as Document No. 765388, in the City of San Diego, California, within the boundaries of that planned district designated "Mission Beach Planned District," together with designated subdistricts on Zone Map Drawing No. C-637, filed in the office of the City Clerk as Document No. 765389, be, and it is hereby incorporated in the Mission Beach Planned District as such district, together with its various subdistricts, is described and defined by Chapter 10, Article 3, Division 5 of the San Diego Municipal Code.

(Added 1-2-1979 by O-12540 N.S.)

